HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. (Lodge)No. 541 (S/S) year 2003

Poornanand Barthwal
S/o Shri Sadanand Barthwal

Versus

Union of India through Secretary
Department of Posts Dak Bhawan
and others.

Approved for reporting.

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~~Not approved for reporting~~

Date of decision. 03.12.2003

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. (Lodge NO.) 541 (S/S) 2003

Poornanand Barthwal,
S/o Shri Sadanand Barthwal
Sr. Supervisor, SBCO,
Roorkee Head Post Officer,
Dept. of Post and Telegraph,
Roorkee, Distt. Haridwar. …Petitioner

Vs

(1) Union of India through Secretary
Department of Posts, Dak Bhawan,
New Delhi.
(2) Director General, Posts, Dak Bhawan
New Delhi.
(3) Director (Postal Services) Uttaranchal
Dehradun.
(4) Senior Supreintendent Posts,
Department of P & T, Dehradun.
(5) Dy. Supt. (Post), Deptt, of P& T
Dehradun.
(6) Enquiry Officer, Shri H.C.Sanwal,
Senior. Post Master, Dehradun.
(7) Senior Superintendent of Police,
Haridwar. ….. Respondents

Counsel for the petitioner Shri H.M. Raturi

Dated:- 3-12-2003

Hon'ble Rajesh Tandon, J.

Heard Shri H.M. Raturi learned counsel for the petitioner and Ms. Pushpa Mathur counsel for the respondent.

Rule. Respondents waive service. Both the parties have agreed that the writ petition may be decided finally.

By the present writ petition the petitioner has prayed for the issue of a writ or direction in the nature of certiorari to quash the suspension order dated 13-3-2003. The petitioner has further prayed for the issue of a writ directing the respondent no. 6 to take action against the employees, and further for the enhancement of the suspension allowance.

Brief facts giving rise to the present writ petition are that the petitioner was initially appointed in the Postal Department on 30-9-1969 on the post of clerk and his services were confirmed.

The petitioner has stated that on 13-3-2002 he was suspended by respondent no. 4 vide memo no. F/Misc/PN Barthwal/01-02 dated at Dehradun.

The petitioner has submitted various malafides by passing the suspension order against him.

The petitioner has stated that the suspension order no where shows the Departmental proceeding are contemplated or pending against him.

The petitioner has also referred that the case was registered case no.36228/24/2002/2003/OC on 13th March 2003 under the Human Rights Commission.

The grievance of the petitioner is that the Human Rights Commission has not taken any decision. The facts have been mentioned in Paragraphs 9,10,11,12. The same is quoted below:-

Paragraph-9 ***"That in consequences of beating by the employees of Roorkee Head Post Office, many injuries were inflicted on the body of the petitioner. When the petitioner slightly recovered, the petitioner on 18-3-2002 sent a complaint to SSP, Haridwar for lodging the FIR against the culprits. Again a reminder was sent vide RL NO. 2958, dated 28-9-2002 to take an action against the culprits to have forcibly withdrawn Rs.1.50 lacs from the GPF A/c of the petitioner. The copy of the complaint dated 18-3-2002 is being filed herewith and marked as Annexure No.4 and reminder dated 28-9-2002 is also being filed herewith and marked as Annexure NO. 5 to this writ petition."***

Paragraph- 10 ***"That when the police and department took no action against the culprits, the petitioner sent a complaint to the Human Rights Commission on 24-12-2002 vide RL No. 1908 dated 24-12-2002. The copy of the complaint dated 24-12-2002 is being filed herewith and marked as Annexure No. 6 to this petitioner."***

Paragraph 11 ***" That the Human Right Commission registered the case no.36228/24/2002/2003/OC dated 13th March 2003 and asked the Superintendent of Police, Haridwar which was wrongly printed as Hardoi which was later on got corrected to take appropriate action and send report within six weeks. The copy of the order dated 13th March 2003 is being filed herewith and marked as Annexure No. 7 to this petition."***

<u>Paragraph- 12</u> " That the police and the Human Rights Commission did nothing regarding forcibly withdrawing Rs. 1.50 lacs from the GPF A/c of the petitioner and for beating bitterly to the petitioner on 13-3-2002."

On 23-2-2002 Shri H.C.Sanwal Senior Post Master, has been appointed as an Enquiry Officer, charge sheet has also been served upon the petitioner.

The petitioner has prayed that the Enquiry may be directed to the completed, within a period of 6 months.

Since the charge sheet has also been submitted and the Enquiry is proceeding I find no reason to interfere at this stage.

It will be open for the petitioner to agitate his grievances before the Enquiry Officer with regard to the suspension allowances or the melafides as stated in the aforesaid paragraphs.

Enquiry Officer was appointed on 29-02-2002 and the charge sheet was served on 20-9-2003, and there is no reason to keep the Enquiry pending for such a long time. The Enquiry Officer therefore is directed to complete the Enquiry within a period of 2 months of the filing of the certified copy of the order.

The Enquiry Officer therefore is directed to conclude the Enquiry within a period of two months from the filing the certified copy of the order. In case the Enquiry Officer fails to complete the Enquiry he shall report the matter to his superior officer.

Subject to the aforesaid observations, the writ petition is dismissed at the admission stage.

3-12-2003 **(Rajesh Tandon, J.)**

Mohit